

Applicant : Priscilla Furth et al.
Serial No. : 10/037,616
Filed : January 2, 2002
Page : 3

Attorney's Docket No.: 08830-002003 / E-064-92/2

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 678 5070.

Respectfully submitted,

Date:

Aug. 1, 2002

Gregory P. Einhorn
Gregory P. Einhorn
Reg. No. 38,440

Fish & Richardson P.C.
4350 La Jolla Village Drive, Suite 500
San Diego, California 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

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Attorney's Docket No.: 08830-002003 / E-064-92/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Priscilla Furth et al.

Art Unit : 1744

Serial No. : 10/037,616

Examiner : William H. Beisner

Filed : January 2, 2002

Title : TARGETING GENE EXPRESSION TO LIVING TISSUE USING JET
INJECTION

Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Responsive to the Election/Restriction Requirement Office Action mailed June 4, 2002, Applicants respectfully request entry of the amendment and consideration of the remarks set forth herein. A response to the Office Action was originally due July 4, 2002. Applicants submit herewith a Petition for Extension of Time to extend the time to reply to this Office Action for one month to August 4, 2002. Accordingly, this Response is timely filed.

The following documents are enclosed herewith:

- Petition to Extend Time 1 month
- Postcard

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CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

August 1, 2002

Date of Transmission

Signature

Jeanne Armour-Rice

Typed or Printed Name of Person Signing Certificate

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REMARKSStatus of the Claims*Pending claims*

Claims 1 to 21 as filed are pending.

The Restriction Requirement

The Patent Office has alleged that the pending claims of the application are directed to two separate and distinct inventions under 35 U.S.C. §121:

- I. Claims 1-12 and 19-21, drawn to a method of gene expression using jet injection, classified in class 435, subclass 459.
- II. Claims 13-18, drawn to a device for jet injection, classified in class 435, subclass 285.3.

The Election, with traverse

In response to the Restriction Requirement, Applicants elect Group I, claims 1-12 and 19-21, drawn to a method of gene expression using jet injection, with traverse.

Reasons to reconsider and withdraw restriction requirement

Applicants respectfully request the Patent Office to reconsider and to withdraw the restriction requirement for the following reasons.

The instant invention is directed to novel methods of gene expression using jet injection and novel devices for jet injection. Applicants respectfully aver that after a search directed to method of gene expression using jet injection it would not be an undue burden for the Patent Office to also complete a search for novel devices for jet injection.

Applicant believes that no additional fee is required for submission of this Response. However, if an additional fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 06-1050. Please credit any overpayment to the above-noted Deposit Account.